

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5471 FOR WATER APPROPRIATION A-10439

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10439 is held by Dennis R. Cyboron.
2. Appropriation A-10439 has a priority date of September 9, 1964, and authorizes the use of water for irrigation of the 135.4 acres of land described below. The water may be diverted from Deer Creek at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 13 North, Range 12 West of the 6th P.M. in Howard County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.93 cfs from all points of diversion.

Township 13 North, Range 12 West of the 6 th P.M. in Howard County	Acres	Township 13 North, Range 12 West of the 6 th P.M. in Howard County	Acres
Section 17: NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.8	Section 17: NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.7	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21.4
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	17.5	SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.3
		TOTAL	135.4

3. On June 9, 2015, Dennis R. Cyboron filed application EXT-5471 for a permit for an expedited transfer of the location of use for 8.3 of the 135.4 acres under surface water appropriation A-10439.
4. On June 9, 2015, Dennis R. Cyboron filed map number 18888 showing the land proposed to be irrigated under appropriation A-10439 through transfer EXT-5471.
5. On June 9, 2015, Dennis R. Cyboron filed REL-5472 relinquishing a portion of the water under appropriation A-10439, for use on the land described below.

Township 13 North, Range 12 West of the 6 th P.M. in Howard County	Acres	Township 13 North, Range 12 West of the 6 th P.M. in Howard County	Acres
Section 17: NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.8	Section 17: NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.7	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21.4
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	9.2	SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.3
		TOTAL	127.1

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-10439 at the rate of 1.81 cfs is CANCELLED for use on the land described below.

Township 13 North, Range 12 West of the 6 th P.M. in Howard County		Acres	Township 13 North, Range 12 West of the 6 th P.M. in Howard County		Acres
Section 17:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.8	Section 17:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.7		NE $\frac{1}{4}$ SE $\frac{1}{4}$	21.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.6		SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.3
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	9.2		SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.3
TOTAL					127.1

2. Application EXT-5471 for a permit for an expedited transfer of the location of use and map number 18888 are APPROVED.
3. Appropriation A-10439 through transfer EXT-5471 authorizes the use of water to irrigate 8.3 acres of land described below and depicted on map number 18888, which is made a part of this Order. The water may be diverted from Deer Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 13 North, Range 12 West of the 6th P.M. in Howard County, as depicted on map number 18888. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.12 cfs (54 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 13 North, Range 12 West of the 6 th P.M. in Howard County		Acres
Section 8:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.6
TOTAL		8.3

4. All terms and conditions of appropriation A-10439 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).

- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18888 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18888 were mailed on July 6, 2015, to the following:

Dennis R. Cyboron
461 Wausa Road
Boelus, Nebraska 68820